

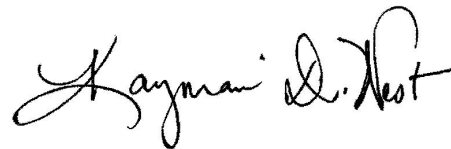
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Richard Deas,)	C/A No.: 5:19-830-BHH-KDW
)	
Plaintiff,)	
)	
v.)	
)	REPORT AND RECOMMENDATION
Wayne McCabe; Joseph Canning;)	
Associate Warden Ford; Major Smith;)	
Benjamin Davis; Lieutenant Danley;)	
Director Bragg; Sergeant Brown; Sergeant)	
Blackwell; Sergeant Rhinehard; Officer)	
Gadsden; Officer Ezil; Head Nurse Robins;)	
and Christina Long,)	
)	
Defendants.)	
)	

Richard Deas (“Plaintiff”), proceeding pro se, filed this action while being detained at the Kershaw Correctional Institution. On March 22, 2019, the court directed Plaintiff to provide the service documents necessary to advance his case. ECF No. 10. Plaintiff responded, but he did not properly complete service documents for all Defendants named in this case. On April 8, 2019, the court directed Plaintiff to provide the service documents necessary to advance his case. ECF No. 16. Plaintiff partially responded to the court’s order; however, he failed to properly complete his service documents. On April 16, 2019, the court directed Plaintiff to provide the service documents necessary to advance his case. ECF No. 24. On May 1, 2019 the court issued an order authorizing the United States Marshal to serve process upon Defendants. ECF No. 30. On June 11, 2019, the service documents were returned to the court unexecuted for Defendants Bragg, Rhinehard, Gadsden, and Ezil with the notations that “SCDC OGC cannot accept – could not find defendant.” ECF Nos. 44, 45, 47, 48. Service documentation was also returned for Defendant Brown unexecuted with the notation “SCDC OGC cannot accept more than one defendant.” ECF

No. 46. By order issued on June 12, 2019, the court instructed Plaintiff that under Federal Rule of Civil Procedure 4(m) that this court must dismiss an action against a defendant who was not served within requisite the 90-day period. ECF No. 49. Plaintiff was directed to provide updated service documents for Defendants Bragg, Rhinehard, Gadsden, Ezil, and Brown. *Id.* Plaintiff partially responded to the June 12 order, but Plaintiff did not properly complete the requested service documents. On July 2, 2019, the court issued another order directing Plaintiff to provide updated service documents for Defendants Bragg, Rhinehard, Gadsden, Ezil, and Brown. ECF No. 57. Plaintiff was again advised that under Federal Rule of Civil Procedure 4(m) this court must dismiss an action against a defendant who was not served within requisite the 90-day period. *Id.* Plaintiff did not file a response. Because more than 90 days has passed since the filing of Plaintiff's Complaint, and Plaintiff has not provided the Clerk of Court with a valid service documents, the undersigned recommends that Defendants Bragg, Rhinehard, Gadsden, Ezil, and Brown be dismissed from this action without prejudice.

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

August 5, 2019
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge